

NO: **R181**

COUNCIL DATE: **October 3, 2011**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **September 28, 2011**

FROM: **General Manager, Engineering**

FILE: **4520-80**

SUBJECT: **Soil Permit Applications Policy**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report as information; and
2. Adopt the policy titled "Soil Permit Applications Policy" (the "Policy"), which is attached to this report as Appendix II, that will form the basis for the staff review of soil permit applications.

INTENT

The purpose of this report is to obtain Council approval of a revised policy that clarifies application requirements for soil extraction and/or soil deposit permits and how such applications will be processed.

BACKGROUND

Applications for deposition of soil on and/or removal of soil from lands within the City are regulated under the Surrey Soil Conservation and Protection By-law, 2007, No. 16389 (the "Soil By-law"). Applications for soil deposition on lands within the Agricultural Land Reserve are also regulated by the Agricultural Land Commission under the *Agricultural Land Commission Act*. Applications for soil extraction are also regulated by the Ministry of Energy, Mines and Petroleum Resources, through the *Mines Act*.

At its Regular meeting on May 30, 2011 Council considered Corporate Report R093; 2011, a copy of which is attached as Appendix I, that recommended approval of a "Soil Permit Applications Policy". Council deferred consideration of the recommendations of that report and requested that staff take the draft Policy to the Development Advisory Committee (DAC) to obtain the views of that Committee prior to its further consideration by Council. Council advised that it did not want the proposed Policy to create unnecessary "red tape".

DISCUSSION

Development Advisory Committee Input

Staff presented the draft Policy to the DAC at its Regular meeting on July 27, 2011. The members of the DAC provided the following comments:

- The Committee recognized the need for permitted soil deposit sites in support of the needs of development projects and to avoid illegal dumping of soil in the City;
- The Committee raised concerns regarding the stipulation in the draft Policy related to the need for a public hearing for soil permit applications; and
- The Committee raised concerns in relation to in-stream land development applications where the draft policy stipulates where a tree removal permit is required to allow for the soil operation that a soil permit will not be issued by the City until the related rezoning by-law has received final adoption.

In addition to the presentation to the DAC, the staff PowerPoint presentation was also posted on the Urban Developments Institute's (UDI) website. No comments were received as a result of this additional process with the UDI.

Revisions to the Draft Policy

The proposed Policy has been revised to indicate that staff will report to Council if significant concerns arise during the soil permit application review. This report shall include a summary of concerns, and recommendations on how these concerns can be addressed by the applicant and any other recommended actions. Concerns with soil permit applications associated with land development projects will be raised to Council as part of the land development application approval process.

A copy of proposed Policy which incorporates these revisions is attached as Appendix II.

Notwithstanding the DAC's concerns regarding the delay in the issuance of a soil permit in relation to in-stream land development application that requires the issuance of a tree removal permit, staff hold the view that it is in the City's best interest in these situations to continue to consider soil permit applications only after the related rezoning by-law has received final reading to avoid soil permit applications being used as a means to cut trees on a development site before it is approved by Council. The public consistently raises concerns where tree removal is undertaken without there being good cause (e.g., development approval).

Legal Services Review

This report and the proposed Policy, which is attached as Appendix II, have been reviewed by Legal Services.

SUSTAINABILITY CONSIDERATIONS

The Policy as proposed will support the achievement of the following goals and objectives contained within the City's Sustainability Charter:

- EC12: Enhancing the productivity of ALR lands;
- EN16: Reducing regional air quality impacts through reduced haul lengths in comparison to the next nearest alternative location; and
- EN9: Allow for the highest economic use of land.

CONCLUSION

Based on the above discussion, it is recommended that Council adopt the policy titled "Soil Permit Applications Policy" (the "Policy"), which is attached to this report as Appendix II, that will form the basis for the staff review of soil permit applications.

Vincent Lalonde, P.Eng.
General Manager, Engineering

VL/JA/TS/brb

Appendix I - Corporate Report R093; 2011
Appendix II - Draft Soil Permit Applications Policy

CITY POLICY

No.

REFERENCE:

REGULAR COUNCIL MINUTES

APPROVED BY:

CITY COUNCIL

DATE:

HISTORY:

TITLE: Soil Permit Applications Policy

Applications for the deposition of soil on or removal of soil from lands within the City are regulated under the Surrey Soil Conservation and Protection By-law, 2007, No. 16389 (the “Soil By-law”). Applications for soil deposition on lands within the Agricultural Land Reserve are also regulated by the Agricultural Land Commission, through the *Agricultural Land Commission Act*. Applications for soil removal are also regulated by the Ministry of Energy, Mines and Petroleum Resources, through the *Mines Act*.

This policy forms the basis for the staff review of soil permit applications.

PERMIT APPLICATION REQUIREMENTS

To ensure that all community, engineering, and environmental considerations are addressed in the application review process, the following minimum information must be submitted with each application:

- A summary of the current land use on the lot to which the application applies and a summary of the proposed land use after the deposition or removal of soil is complete;
- An operating plan that will be applicable for the duration of the soil deposit and/or removal operation including the hours of operation and processes that will be followed in relation to staging the operation;
- An erosion and sediment control plan;
- A traffic management plan; and
- A stormwater control plan prepared by a Professional Engineer.

In addition to the above-referenced minimum requirements, depending on site and application characteristics and as determined by the General Manager, Engineering, the following additional information may also be required:

- A geotechnical assessment of the lot and the proposed operation by a Professional Engineer or Professional Geoscientist;
- A hydrological (groundwater) assessment of the proposed operation by a Professional Engineer or Professional Geoscientist;
- An environmental assessment by a Qualified Environmental Professional;
- An agrology assessment of the proposed operation by a Professional Agrologist;
- A tree inventory and related protection plan for the operation prepared by a certified Arborist;

- Approval from the Department of Fisheries and Oceans, the Ministry of Energy, Mines and Petroleum Resources, and the Ministry of Environment in relation to matters that fall within the jurisdiction of these Ministries, respectively; and
- A working agreement with local special interest groups related to watershed management (e.g., the Semiahmoo Fish and Game Club for the Little Campbell River watershed).

PERMIT APPLICATIONS WITHIN THE AGRICULTURAL LAND RESERVE

- Any permit application for the removal or deposition of soil over an area on a lot in excess of 2,000 square metres (0.2 hectares) within the Agricultural Land Reserve (ALR) must be approved by Council before it is forwarded to the Agricultural Land Commission for consideration.
- Any proposed soil removal or deposition of soil associated with a building permit application on lands within the ALR shall not be approved until a grading plan, material handling plan and security in a satisfactory amount and form are provided to the satisfaction of the General Manager, Engineering or his/her designate.

SOIL DEPOSITION PERMIT APPLICATIONS WITH SIGNIFICANT CONCERNS

- Where significant concerns are raised during the review of any soil permit application, staff may report to Council on the matter. Such a report would typically include a summary of the concerns and recommendations as to how the concerns can be addressed.

PERMIT APPLICATIONS ASSOCIATED WITH LAND DEVELOPMENT APPLICATIONS

- No soil permit application will be considered in relation to any lot for which there is an active rezoning application until the related rezoning by-law has received third reading from Council. Where such a soil permit application requires the issuance of a tree removal permit by the City to allow for the soil operation, no soil permit will be issued by the City until the related rezoning by-law has received final adoption by Council and the related development permit, where applicable, has been issued by the City for development on the lot to which the soil permit will apply.